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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/932,968	08/21/2001	Keigo Ihara	212969US6	5890

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EXAMINER	
JOO, JOSHUA	

ART UNIT	PAPER NUMBER
2154	

DATE MAILED: 07/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/932,968	IHARA ET AL.	
	Examin r	Art Unit	
	Joshua Joo	2154	

-- Th MAILING DATE of this communication app ars on th cov r sheet with th corr spond nce address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *07 June 2006*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-8* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-8* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

Response to Amendment filed 6/7/2006

1. Claims 1-8 are presented for examination.

Claim Rejections - 35 USC § 112

2. Claims 6-7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

i) Regarding claim 6, "the user terminal apparatus" lacks antecedent basis.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 1, 3-4, 6, and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Garrity et al, US Patent #6,230,205 (Garrity hereinafter), in view of Cao, US Patent #6,782,550 (Cao hereinafter) and Adriano et al, US Patent #6,484,210 (Adriano hereinafter).

5. As per claim 1, Garrity teaches substantially the invention as claimed including a method of reserving and accessing resources in a distribution server, Garrity's teachings comprising the steps of:

sending reservation request information including a desired service supply time period for distributing content using a distribution server from a user terminal apparatus to a reservation control apparatus via a network (Col 4, lines 3-5, 44-51; Col 6, lines 38-39; Col 8,

lines 37-39. Schedule reservation of time by content provider (CP). Scheduling input gateway receives scheduling information.), said reservation control apparatus determining if the reservation request for distributing content using said distribution server during said desired service supply time period will be accepted (Col 9, lines 46-66. Determine if bandwidth is available on a specified channel.),

transmitting content from the user terminal apparatus to the distribution server via a network during said desired service time (Col 4, lines 33-35, 52-53; Col 13, lines 32-46. Receives data from CP. Stream input/output gateway receives streaming data.); and

broadcasting, by the distribution server, said content data received from said user terminal apparatus via said network (Col 6, lines 4-11; Col 13, lines 44-45. Send data stream to subscribers.).

6. Garrity teaches substantial features of the claimed invention including receiving reservation requests at a schedule input gateway; receiving streaming data at stream input/output gateway; transmitting by a CP a reservation request via a Network 138 to an operations center (OC); and the OC broadcasting data to a plurality of networks, wherein the networks may be a cable network, LAN, Satellite Network, PSTN, Internet, or a WAN. However, Garrity does not teach of first network for transmitting reservation requests **and** broadcasting content from a distribution, and a second network for transmitting content to the distribution server. Furthermore, Garrity does not teach transmitting a current time reference value from said reservation control apparatus to said user terminal apparatus via the first network if the reservation request is accepted, said current time reference value determining when said reservation state of said distribution server will permit access by the user terminal apparatus to the distribution server for distributing content using said distribution server during said desired service time.

7. Firstly, it would have been obvious to one of ordinary skill that Network 138 may be part of the same network as one of the plurality of networks such as Internet 148, allowing the CP, OC, and receiving users to reside on the same network for transmitting reservation requests and broadcasting content to the users.

8. Secondly, Adriano teaches of transmitting request via a first network and receiving content via a second network, wherein the second network is a high bandwidth channel (Col 2, line 64 – Col 3, line 5).

9. Even though Adriano teaches of using the second network to transmit content from the server to the user and not from the user to the server as in the claims, Adriano uses the second network to provide a high bandwidth channel to transmit content. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made that a second network comprising a high bandwidth channel may be used to upstream content to the stream input/output gateway. The teachings of Adriano would improve the system of Garrity by allowing fast transmission of content for broadcasting.

10. Lastly, Cao teaches the concept of transmitting the date/time of the server to the user to synchronize the date/times of the user and device in order for the user to known when to receive a broadcast (Col 32, lines 42-45).

11. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Garrity, Adriano, and Cao because all the teachings are similar in that Garrity teaches of scheduling the transmission of content and broadcasting the content, while Adriano and Cao deal with the reception of broadcasts. Garrity also teaches that a determination is made if a CP's initialization for transmitting content is valid to the schedule.

The teachings of Cao to transmit the date/time of the server to the user would improve the system of Garrity and Adriano by allowing the user to exactly know the time to transmit content, allowing for correct initiation and validation by the server. In addition, Cao's teachings would provide synchronization between the server and subscribers to allow subscribers to know the exact time of the broadcast. The combinations of Garrity, Adriano, and Cao would provide time synchronization for transmitting and receiving live content among the CPs, distribution server, and the subscribers.

12. As per claims 6 and 8, Garrity teaches substantially the invention as claimed including a reservation control apparatus and program storage medium, Garrity's teachings comprising:

receiving means for receiving reservation request information including a desired service supply time period to use a distribution server sent from a terminal apparatus via a network (Col 4, lines 3-6, 44-51; Col 6, lines 38-39; Col 8, lines 37-39. Schedule reservation of time by content provider (CP). Scheduling input gateway receives scheduling information.);

means for determining whether or not the reservation request for the use of said distribution server during said desired service supply time period will be accepted (Col 9, lines 46-66. Determine if bandwidth is available on a specified channel.),

said user terminal apparatus transmits content to the distribution server via a network during said desired service time (Col 13, lines 1-10. Initiate transmission at scheduled time. Col 4, lines 33-35, 52-53. Stream input/output gateway receives streaming data.) , and the distribution server broadcasts the content received from the user terminal apparatus over the first network (Col 6, lines 4-11; Col 13, lines 44-45. Send data stream to subscribers.).

13. Garrity teaches substantial features of the claimed invention including receiving reservation requests at a schedule input gateway; receiving streaming data at stream

input/output gateway; transmitting by a CP a reservation request via a Network 138 to an operations center (OC); and the OC broadcasting data to a plurality of networks, wherein the networks may be a cable network, LAN, Satellite Network, PSTN, Internet, or a WAN. However, Garrity does not teach of first network for transmitting reservation requests **and** broadcasting content from a distribution; and a second network for transmitting content to the distribution server. Furthermore, Garrity does not teach of transmitting means for transmitting a current time reference value to the user terminal apparatus via the first network when the determining means accepts the reservation for the use of said distribution server during said desired service supply time period, said current time reference value determining when said distribution server can be accessed by the user terminal apparatus in accordance with the accepted reservation.

14. Firstly, it would have been obvious to one of ordinary skill that Network 138 may be part of the same network as one of the plurality of networks such as Internet 148, allowing the CP, OC, and receiving users to reside on the same network for transmitting reservation requests and broadcasting content to the users.

15. Secondly, Adriano teaches of transmitting request via a first network and receiving content via a second network, wherein the second network is a high bandwidth channel (Col 2, line 64 – Col 3, line 5).

16. Even though Adriano teaches of using the second network to transmit content from the server to the user and not from the user to the server as in the claims, Adriano uses the second network to provide a high bandwidth channel to transmit content. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made that a second network comprising a high bandwidth channel may be used to upstream content to the stream

input/output gateway. The teachings of Adriano would improve the system of Garrity by allowing fast transmission of content for broadcasting.

17. Cao teaches the concept of transmitting the date/time of the server to the user to synchronize the date/times of the user and device in order for the user to known when to receive a broadcast (Col 32, lines 42-45).

18. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Garrity, Adriano, and Cao because all the teachings are similar in that Garrity teaches of scheduling the transmission of content and broadcasting the content, while Adriano and Cao deal with the reception of broadcasts. Garrity also teaches that a determination is made if a CP's initialization for transmitting content is valid to the schedule. The teachings of Cao to transmit the date/time of the server to the user would improve the system of Garrity and Adriano by allowing the user to exactly know the time to transmit content, allowing for correct initiation and validation by the server. In addition, Cao's teachings would provide synchronization between the server and subscribers to allow subscribers to know the exact time of the broadcast. The combinations of Garrity, Adriano, and Cao would provide time synchronization for transmitting and receiving live content among the CPs, distribution server, and the subscribers.

19. As per claim 3, Garrity does not teach the method of claim 1, further comprising a step of: changing a value of current time being used at said user terminal apparatus based on any difference between said current time reference value and said value of current time being used at said user terminal.

20. Cao teaches of changing the value of the client's time to that of the server's time (Col 32, lines 42-45).

21. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Garrity, Adriano, and Cao because the teachings of Cao to change the value of the client's time to that of the server's time would improve the system of Garrity, Adriano, and Cao by informing the user of the exact time for initiating the transmission of the content, which would allow validation by the operation center.

22. As per claim 4, Garrity teaches the method of claim 1, wherein said distribution server streams said content received from said user terminal to a requesting client terminal apparatus via the first network (Fig. 1; Col 13, lines 42-45. Receive CP data stream and sends the data stream to subscribers.).

23. Claims 2, 5 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Garrity, Adriano, and Cao, in view of Trewitt et al, US Patent #6,134,531 (Trewitt hereinafter).

24. As per claim 2, Garrity does not teach the method of claim 1, further comprising steps of: calculating a difference in real time between said current time reference value and a value of current time indicated at said user terminal apparatus; and notifying the user of said user terminal apparatus of said difference in real time.

25. Trewitt teaches of calculating the difference between the time of the server and time of the client computer (Col 4, lines 60-61).

26. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Garrity, Adriano, Cao, and Trewitt because the teachings of Trewitt to calculate the difference between the time of the server and the time of the client computer would improve the system of Garrity, Adriano, and Cao by providing time synchronization between the user terminal and the server (Col 5, lines 1-6). Furthermore, it would have been obvious to one of ordinary skill in the art to notify the user of the time difference in order to inform the user of the changes needed by the user's terminal.

27. As per claims 5 and 7, Garrity and Cao do not teach the method of claim 1, further comprising steps of: acquiring said current time reference value at said distribution server used for determining when said reservation state of said distribution server will permit access by the user terminal apparatus during said desired service time from a predetermined network time protocol (NTP) server, and acquiring said current time reference value at said reservation control apparatus that is transmitted in said transmitting step from said predetermined network time protocol (NTP) server.

28. Trewitt teaches of a server obtaining its current time from the NTP (Col 4, lines 14-21).

29. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Garrity, Adriano, Cao, and Trewitt because the teachings of Trewitt to receive time reference from the NTP would improve the system of Garrity, Adriano, and Cao by providing accurate time synchronization for devices communicating on the network, wherein the NTP can synchronize times to within milliseconds.

Response to Arguments

30. Applicant's arguments filed 6/7/2006 have been fully considered but they are not persuasive. Applicant argued that:

31. (1) Garrity fails to teach or suggest "sending reservation request information... from a user terminal apparatus to a reservation control apparatus via a first network," "transmitting content from the user terminal apparatus to the distribution server via second network, " and "broadcasting, by the distribution server, said content data received from said user terminal apparatus via said first network."

32. In response,

Garrity teaches of schedule input gateway for receiving reservation requests (Col 4, lines 3-5, 44-53), and a stream input/output gateway for receiving streaming data (Col 4, lines 2-6).

Garrity further teaches of transmitting by a CP a reservation request via a Network 138 to a OC; and the OC broadcasting data to a plurality of networks, wherein the networks may be a cable network, LAN, Satellite Network, PSTN, Internet, or a WAN (Fig. 1). Therefore, it would have been obvious to one of ordinary skill that Network 138 may be part of the same network as one of the plurality of networks such as Internet 148, allowing for the same network to be used for transmitting requests to the schedule input gateway and broadcasting content to the users.

Adriano teaches of transmitting request via a first network and receiving content via a second network, wherein the second network is a high bandwidth channel (Col 2, line 64 – Col 3, line 5).

Even though Adriano teaches of using the second network to transmit content from the server to the user and not from the user to the server as in the claims, Adriano uses the second network to provide a high bandwidth channel to transmit content. Therefore, it would have been

obvious to one of ordinary skill in the art at the time the invention was made that a separate second network comprising a high bandwidth channel may be used to upstream content to the stream input/output gateway. The teachings of Adriano would improve the system of Garrity by allowing fast transmission of content for broadcasting.

Conclusion

33. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

34. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

35. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joshua Joo whose telephone number is 571 272-3966. The examiner can normally be reached on Monday to Friday 7 to 4.

36. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John A. Follansbee can be reached on 571 272-3964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

37. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

June 26, 2006
JJ